

Appendix G
Comments on the Draft Environmental Assessment

Page intentionally blank

Davis, Stanford E

To: Lewis, Konnie K
Subject: RE: Draft EA

From: Gerald Thomas [mailto:gerald@thomascon.com]
Sent: Thursday, August 07, 2008 3:13 PM
To: Lewis, Konnie K
Cc: jarriggs@comcast.net
Subject: RE: Draft EA

Konnie:

The tree planting blinds do not seem to be extraordinary and should not pose a serious issue with the developers. We could encounter some rock but I believe there to be enough cracks and crevices to allow for the growth of Pine Trees. Pine trees seem to grow at higher elevations where rock is prevalent and there appears to be many different types of trees growing among the rocks there now.

There doesn't seem to be anything else in the DEA that is out of the ordinary and beyond anything we have not already talked about and agreed upon.

Since we agree that the Tree Blinds for the cart path to the lake are acceptable I would hope TVA would proceed with the permitting of the slips immediately. We have spent \$200,000.00 in interest and cost of bonding while waiting for these permits, and, while I understand this is not TVA's problem, I do hope they will consider moving forward with this as soon as possible.

Sincerely:

Gerald D. Thomas, President
THOMAS CONSTRUCTION CO. INC.
#9 Wesley Ct.
Johnson City TN 37601
PO Box 4806
Johnson City TN 37602
Phone: 423 282 3251 Ext. 201
Fax: 423 282 3976
Cell: 423 791 4353
Nextel: 193*102*20089
E-Mail: gerald@thomascon.com

Doc. Type: EA - Administrative Record
Index Field: Env. Dr. Trans. Rec/Assess
Project Name: The Bluffs Creek Docks
Project No.: 2008-16 [REDACTED]

RECEIVED
8/2/08

August 2, 2008

Daniel H. Ferry, Senior Manager
Environmental Services and Programs
Environmental Stewardship and Policy
Tennessee Valley Authority
400 west Summit Hill Drive, Knoxville, Tennessee 37902-1401

Dear Mr. Ferry,

Thank you very much for allowing me to comment on "Draft Environmental Assessment: File No. 200702061: Applicant RPT Partnership LLC (The Bluffs Subdivision)."

It is clear that a great deal of work went into this document, reflecting a number of important and relevant issues. However, some modifications, corrections, and additions are necessary to have the document be complete and accurate, and these should be made before your report is finalized.

These comments are included in the attached document.

I would ask that any correspondence that I receive on this request come from you and not from the Developer. I would also ask that, to the extent permitted by law or regulation, that my name, address, and contact information be removed and redacted from any public release or distribution of this letter, its content, or your response to it, including any material shared with the Developer, their employees, or agents. I ask that my name and contact information not be shared with any person outside of those within your immediate organization who have a direct need-to-know.

Again, I very much appreciate the opportunity to comment on this proposal.

Many thanks,

[REDACTED]

[REDACTED]

1) Safety

As you are aware, safety was the primary concern of every submitted a public comment. Your report's section on this topic (p 14) does not fully address this issue. You conclude that this project "would not result in a significant safety reduction." In this paragraph, however, you do not address the safety impact of reducing the navigable waterway by 50 feet (again, the major concern presented in public comments). In the "Applicant's Rebuttal" (p 7) the developer stated "and a 50-foot intrusion, which would only be 8.34 percent of the channel and well within TVA and Corps limits."

Whenever safety is a concern, however, it is imperative to err on this side of public protection. To that end, it is important to remember that the proposed docks will be in deep water year-round. As such, their safety impact will be present year round. According to your report (p 1) "During winter time operations, the width of the reservoir in the vicinity of these docks would range from 400 to 500 feet." Erring on the side of safety, and remembering that, at its narrowest point, there is considerable shallow water unsafe for winter navigation, these docks would take up 12.5% or more of the navigable waterway, in the winter months.

Recommendation: Your final report should clearly state what degree of waterway blockage is consistent with public safety, and the legal or regulatory basis for this determination, if any. The report should also clearly state if the proposal is consistent, year-round, with that standard.

2) Aesthetics

In your report (p 12) you state that "the visual characteristics at the project location . . . would be insignificant."

While I can not tell from the report how tall the docks will be, if the roof of the docks rises to a height of 20 feet, then, for a boater in the middle of the lake, 24 feet of the cliff face will be completely obscured. Given that the cliff face along the lake front for this subdivision appears to range from about 80 to 100 feet, this obstruction represents between 25 – 30% of the visible cliff face.

Remember, this is not an isolated obstruction, but one that will go on for hundreds of feet. Essentially, over one quarter of an entire cliff face will be completely obstructed for boaters, for almost the entire length of the cliff.

Recommendation: Your report should be modified to reflect that this level of obstruction is not "insignificant" and to clearly articulate whether this level of obstruction is consistent with community standards. Additionally, you should add

a recommendation that would prevent any other modification of the cliffs, including any removal of trees, rocks, or other changes except when absolutely required for the construction of a home.

3) Historic Relevance

In your report, you document that there were different opinions on the historic importance of this site. You chose to side with the opinion that the site did not qualify for the NRHP, because "of the limited amount of time the railroad operated" and because "this section represents a small portion of a larger rail system."

While I am not qualified, in any way, to determine a site's eligibility for the NRHP, I would point out that an operational history of two years, certainly shouldn't be a determining factor. I would remind you that this is a longer period of time that the US was involved in World War I, and well over twice as long as the entire Spanish American War. Both of these events are of significant historic importance. As such, I would suggest that you need a better rationale for determining the historic relevance of a site.

Regarding the extent of the site, again, I have no comment, except to suggest that, if this is the sole basis for determination, your report should include a reference to how much of the original Three C's railroad bed is still in existence, especially that part of the Three C's that was so essential to the history and development of Johnson City.

Recommendation: In the event of a legitimate difference of opinion (as you have documented to exist in this case) the issue be forwarded to the State Historic Preservation Officer and/or the Federal Historic Preservation Office for impartial determination.

4) Feasibility

The proposal is built around the projection that the neighborhood will have 172 homes. Your assessment fails to address the very reasonable question of whether this is a realistic estimate.

Recommendation: Your report should identify what basis, if any, exists for calculating the number of boat docks permitted in a new development. You should also state whether the proposed amount of land for this development is consistent with the number of docks proposed. If your calculation is based on the proposed number of homes, then your report should address whether this proposed number of homes is realistic based on existing standards in Sullivan County.

If you must go forward with this proposal, you should also add an additional recommendation that would limit the developers to initially installing only 20 docks until such time as 60 homes are in place or under construction. Then an additional 20 docks could be added until 120 homes are under construction. This would assure that the number of docks is consistent with the true community need.

5) Community Standards

One issue that you did not address in the draft report is the issue of community standards. As articulated by several of the letters you received, there is no precedent, anywhere in Boone Lake for this extensive of a dock system. What is being proposed is, in size and scope, closer to a marina than to a community dock system. The neighborhood boat docks in the relevant part of Boone Lake typically range from 8 to 12 boat slips in length—with the two largest neighborhood boat docks including about 20 slips in total. None of these neighborhood boat slips, however, are in the main channel of the lake. Only the marinas achieve anything close to the numbers proposed by this project.

It would seem that there must be some consideration given to the fact that what is proposed is entirely inconsistent with prevailing standards throughout the lake

Recommendation:

Your report should address the extent to which this proposal is consistent with existing standards for Boone Lake.

Additionally, and most importantly, a public hearing must be held, specifically for the purpose of determining if this proposal is consistent with prevailing community standards.

Your public notice of October 12, 2007 stated (p 2) "Comments are also used to determine the need for a public hearing . . ." Despite this, over the last 8 months, no public hearing was held. Given that you permitted only one month for submitting written comments, and that you did not engage in any advertising of this comment period, it is safe to assume that the majority of people who use Boone Lake are unaware of this proposal, and have not, therefore, had the opportunity to express their opinion.

To address this concern, a public hearing should be preceded by 2 months of public notification, including posting notifications at the major marinas and at least two appropriately sized advertisements in the newspapers serving this area, and the hearing should be held in the Tri-Cities area.

This will permit members of the public, with both supporting and opposing views, to have a valid opportunity to voice their opinions. Perhaps you will find that my point of view is not correct—perhaps you will find otherwise.

RECEIVED
8/8/08



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
Recreation Educational Services
10th floor - L&C Tower
401 Church Street
Nashville, Tennessee 37243

Doc. Type: EA - Administrative Record
Index Field: Env. Doc. Trans. Rec. Archives
Project Name: The Bluffs Green Docks
Project No.: 2008-16

July 29, 2008

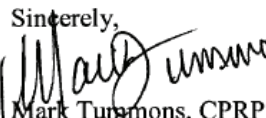
Daniel H. Ferry, Senior Manager
Tennessee Valley Authority
Environmental Services and Programs
Environmental Stewardship and Policy
400 Summit Hill Drive
Knoxville, TN 37902-1401

**RE: Tennessee Valley Authority-Draft Environment Assessment (EA) – PRT
Partnership, LLC (The Bluffs Subdivision) Proposed Floating Community
Boat Docks – Boone Reservoir, Sullivan County, Tennessee.**

Dear Mr. Ferry:

Thank you for including this agency on your review contact list for the above referenced document.

After research of our office's files, we can locate no occasion where the proposed floating Community Boat Docks location would not impact either a federal or state recreation funded grant administered by this division. Therefore, we have no involvement in the subject area from a state or federal level.

Sincerely,

Mark Turmons, CPRP
Director

MT/lh

**First
Tennessee
Development
District**

RECEIVED JUL 31 2008

207 North Boone Street, Suite 800 • Johnson City, Tennessee 37604
(423) 928-0224 • FAX: (423) 928-5209

Carter
Elizabethton
Watauga

July 28, 2008

Greene
Baileyston
Greeneville
Mosheim
Tusculum

Mr. Daniel H. Ferry
Senior Manager
Environmental Services and Programs
Tennessee Valley Authority
400 West Summit Hill Drive
Knoxville, Tennessee 37902-1401

Hancock
Sneedville

**Subject: Construction of Community Boat Slips along the Watauga River
Arm of Boone Reservoir in Sullivan County, Tennessee**

Hawkins
Bulls Gap
Church Hill
Mount Carmel
Rogersville
Surgolnsville

Dear Mr. Ferry,

The First Tennessee Development District has reviewed the information on the
aforementioned project. As a result of the review, it has been determined that the
proposed project is in accord with regional and local plans, programs and objectives as
of this date.

If our office can be of further assistance, please contact me.

Johnson
Mountain City

Sincerely,

Susan Reid

Sullivan
Bluff City
Bristol
Kingsport

Susan Reid
Executive Director

Unicoi
Erwin
Unicoi

/sb

Washington
Johnson City
Jonesborough



RECEIVED JUL 28 2008



Doc. Type: EA Administrative Record
Index Field: Env. Rec. Trans. Publications
Project Name: The Buitts Comm. Docks
Project No.: 2008-16

STATE OF TENNESSEE
**DEPARTMENT OF ENVIRONMENT AND CONSERVATION
WATER SUPPLY**

9th Floor, 401 Church Street
Nashville, Tennessee 37243-1549
Phone: (615) 532-0191; Fax: (615) 532-0503

July 22, 2008

Mr. Stanford E Davis
Senior NEPA Specialist
Tennessee Valley Authority
400 West Summit Hill Drive
WT 11D
Knoxville, Tennessee 37902-2915

RE: Proposed Floating Community Boat Docks, Watauga River mile 7.2 Right Bank, Boone Reservoir Sullivan County Tennessee

Mr. Davis:

The Division of Water Supply has received and reviewed the Proposed Floating Community Boat Docks, Watauga River mile 7.2 Right Bank, Boone Reservoir Sullivan County Tennessee and would like to thank the Tennessee Valley Authority for the opportunity to comment on this plan.

Safe Dams Program:

A file review was conducted of all registered sites in the Safe dam program. There are no registered dams in the proposed project area. The contact for information in the Safe Dams Program can be obtained from Mr. Lyle Bentley Manager of the Safe Dams Section in the Division of Water Supply. Mr. Bentley may be reached by e-mail lyle.bentley@state.tn.us reached at (615) 532-0154.

Source Water Protection Program:

A review of the community and non-community water supplies in the area shows there are no Wellhead Protection Areas or Source Water protection area in the proposed area. Any information on the Source Water/Wellhead Protection areas can be directed to Mr. Scotty D. Sorrells Manager Groundwater Management Section. Mr. Sorrells may be reached by e-mail scotty.sorrells@state.tn.us or by telephone at (615) 532-9224.

Mr. Davis
Community Boat Docks, Watauga River mile 7.2 Right Bank, Boone Reservoir
July 22, 2008
Page 2

Water Well Program:

A file review was conducted of all the registered private water wells within this proposed route. Please contact Mr. Luke Ewing with the names of the topographic quads. There are private water supplies in the proposed area. Please be advised that not all the water wells that are in existence are on this database and that there may be older wells that we have no record of as well as hand dug wells whose existence we would not have recorded. All water wells that are encountered should be plugged and abandoned by a licensed well contractor. Any information related to the Water Well Program can be directed to Mr. Luke Ewing Manager Water Well Program. Mr. Ewing can be reached by e-mail luke.ewing@state.tn.us or by telephone at (615) 532-0176.

Underground Injection Control:

A file review was conducted of all the registered Underground Injection Control (UIC) points within the area of review. No registered UIC sites are within the proposed area. Please be advised that not all old large capacity septic systems or stormwater injection points that are in existence are on this database. All UIC wells that are encountered should be plugged and abandoned according to approval from the UIC program. Any information on the UIC programs can be directed to Ms. Carolyn Sullivan UIC program Groundwater Management Section. Ms. Sullivan may be reached by e-mail carolyn.sullivan@state.tn.us or by telephone at (615) 532-0180.

This letter represents a brief review off best available data sources and not a comprehensive field evaluation. Please verify all information contained within this letter in the field.

The issuance of this letter does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, State, or local laws or regulations.

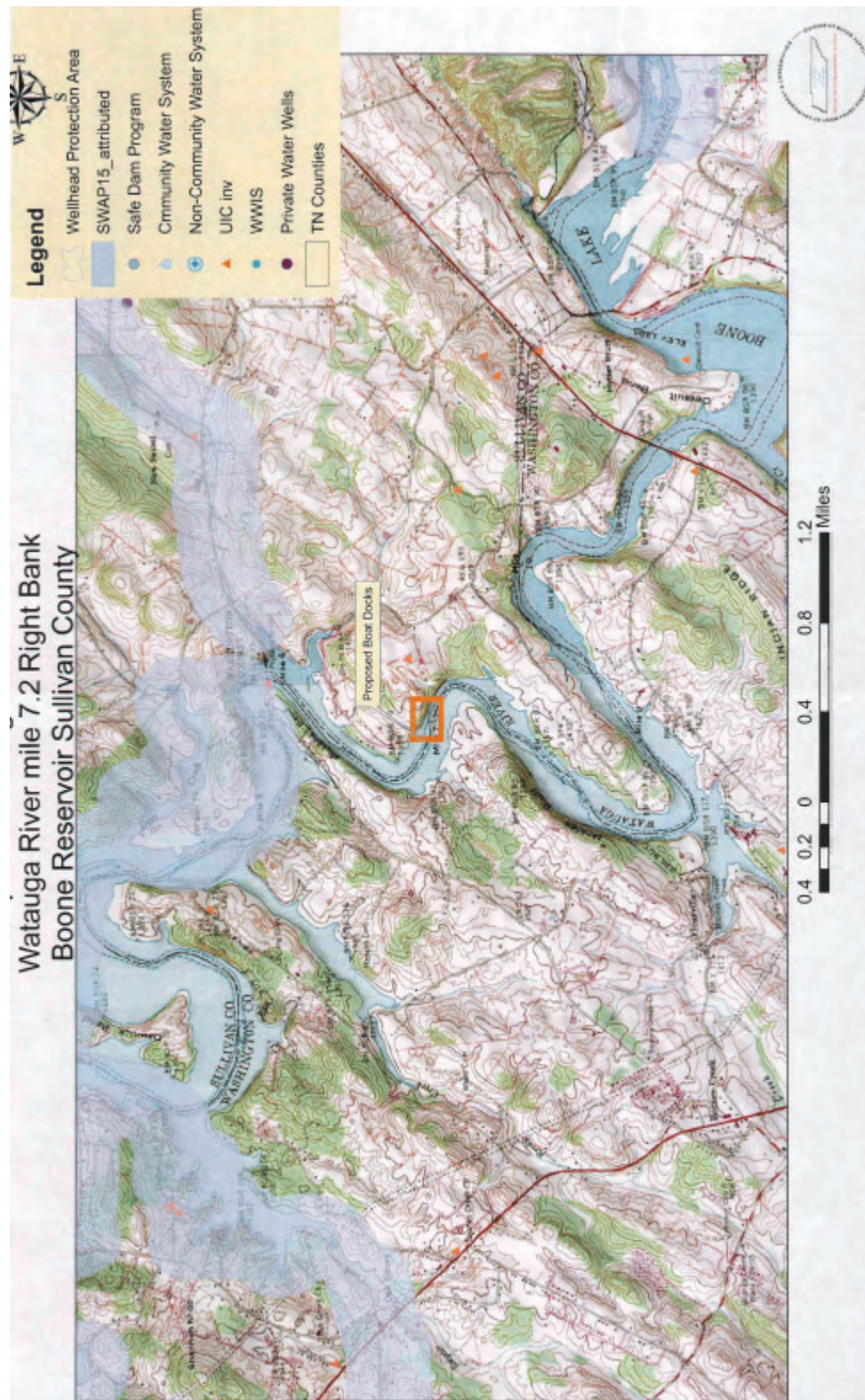
If you have any questions, feel free to call me at (615) 532-9224 or email at scotty.sorrells@state.tn.us.

Sincerely,



Scotty D. Sorrells
Manager Ground Water Management Section
Source Water Protection Coordinator
Division of Water Supply

c: Thomas A. Moss Deputy Director DWS
Lyle Bentley Chief SDP
Luke Ewing Manager WWP
Carolyn Sullivan UIC



RECEIVED JUL 20 2008



Doc. Type: EA - Administrative Record
Index Field: Env. Doc. Trans. Resources
Project Name: The Bluffs Comm. Park
Project No.: 2008-16

TENNESSEE HISTORICAL COMMISSION
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
2941 LEBANON ROAD
NASHVILLE, TN 37243-0442
(615) 532-1550

July 22, 2008

Dr. Thomas Maher
Tennessee Valley Authority
400 West Summit Hill Drive
Knoxville, Tennessee 37902-1499

RE: TVA, DRAFT ENVIRONMENTAL ASSESSMENT, THE BLUFFS SUBDVSN/
WATAUGA RM 7.2R, UNINCORPORATED, SULLIVAN COUNTY, TN


Dear Dr. Maher:

At your request, our office has reviewed the above-referenced draft environmental assessment in accordance with regulations codified at 36 CFR 800 (Federal Register, December 12, 2000, 77698-77739). Based on the information provided, and in accordance with our previous recommendations, we find that the project area contains no historic properties eligible for listing in the National Register of Historic Places.

If project plans are changed or archaeological remains are discovered during construction, please contact this office to determine what further action, if any, will be necessary to comply with Section 106 of the National Historic Preservation Act.

Your cooperation is appreciated.

Sincerely,

 E. Patrick McIntyre, Jr.
Executive Director and
State Historic Preservation Officer

EPM/jmb

RECEIVED JUL 29 2008



Doc. Type: EA - Administrative Record
Index Field: Env. Rec. Trans. Pub/Agencies
Project Name: The Burt's Cove Park
Project No.: 2008-16

**STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION**
SUITE 700, JAMES K. POLK BUILDING
NASHVILLE, TENNESSEE 37243-0349
(615) 741-2848

GERALD F. NICELY
COMMISSIONER

PHIL BREDESEN
GOVERNOR

July 21, 2008

Mr. Daniel H. Ferry
Senior Manager
Environmental Services and Programs
Environmental Stewardship and Policy
Tennessee Valley Authority
400 West Summit Hill Drive
Knoxville, TN 37902-1401

Dear Mr. Ferry:

Thank you for your letter dated July 15, 2008 and the Draft Environmental Assessment concerning RPT Partnership, LLC's proposal to construct a set of community boat slips along the Watauga River arm of Boone Reservoir in Sullivan County, Tennessee.

We have reviewed the Draft Environmental Assessment as requested, and since we have no transportation facilities that would be impacted by this proposal, we have no comments to offer.

If the department can be of further assistance to you, please do not hesitate to contact Mr. Charles Bush of our Environmental Division at 615-741-3653.

Sincerely,

A handwritten signature in dark ink, appearing to read "G. Nicely".

Gerald F. Nicely
Commissioner

GFN:CB

Cc: Mr. Charles Bush, W/Attach.



RECEIVED AUG 15 2008

TENNESSEE WILDLIFE RESOURCES AGENCY

ELLINGTON AGRICULTURAL CENTER
P. O. BOX 40747
NASHVILLE, TENNESSEE 37204

July 1, 2008

Stanford E. Davis
Tennessee Valley Authority
400 West Summit Hill Drive
Knoxville, TN 37902-1401

Doc. Type: EA - Administrative Record
Index Field: Env. Rec. Trans. Partnership
Project Name: The Bluffs Green. Docks
Project No.: 2008-16

Re: Draft Environmental Assessment (EA) – Request for Tennessee Valley Authority (TVA) and U.S. Army Corps of Engineers (USACE) Approvals – RPT Partnership, LLC (The Bluffs Subdivision) Proposed Floating Community Boat Docks – Watauga River Mile 7.2 Right Bank, Boone Reservoir, Sullivan County, Tennessee

Dear Mr. Davis:

The Tennessee Wildlife Resources Agency has received and reviewed the Draft Environmental Assessment information regarding the proposed floating community boat docks by RPT Partnership, LLC associated with The Bluffs Subdivision. We recommend that Alternative 4.3.3 "Applicant's Proposed Action with Added Special Conditions" be chosen to minimize adverse environmental impacts associated with the proposed project.

Sincerely,

Robert M. Todd
Fish and Wildlife Environmentalist

cc: Rob Lindbom, Region IV Habitat Biologist
Bob Nichols, Region IV Manager
Dan Eagar, Division of Water Pollution Control
Lee Barclay, U.S. Fish and Wildlife Service
Darryl Williams, Environmental Protection Agency

The State of Tennessee

IS AN EQUAL OPPORTUNITY, EQUAL ACCESS, AFFIRMATIVE ACTION EMPLOYER

RECEIVED AUG 15 2008



United States Department of the Interior

FISH AND WILDLIFE SERVICE

446 Neal Street
Cookeville, TN 38501

August 14, 2008

RECEIVED
8/15/08

Doc. Type: EA - Administrative Record
Index Field: Env. Rec. Trans. Log/Access
Project Name: The Bluffs Community Docks
Project No.: 2008-16

Ms. Peggy Shute
Manager, Heritage Resources
Tennessee Valley Authority
400 West Summit Hill Drive
Knoxville, Tennessee 37902-1401

Re: FWS #2008-FA-0745

Dear Ms. Shute:

Thank you for your letter and enclosures of July 15, 2008, concerning the draft environmental assessment (EA) to evaluate the impacts of the proposed Bluffs Subdivision boat docks at Watauga River Mile 7.2, Right Bank, Sullivan County, Tennessee. The draft EA states that the proposed project would involve the construction of three community floating boat docks for residential use. Each dock would measure 244 feet by 30 feet and would be connected to the shore by a 40-foot by 4-foot floating walkway. All three docks would parallel the shoreline. The structures would be constructed of aluminum framing, decking, and roofing and encapsulated foam floatation. The proposal also would also involve riprap bank stabilization at two locations along the shoreline. Fish and Wildlife Service personnel have reviewed the information submitted and we offer the following comments.

Endangered species collection records available to the Service do not indicate that federally listed or proposed endangered or threatened species occur within the impact area of the project. We note, however, that collection records available to the Service may not be all-inclusive. Our data base is a compilation of collection records made available by various individuals and resource agencies. This information is seldom based on comprehensive surveys of all potential habitat and thus does not necessarily provide conclusive evidence that protected species are present or absent at a specific locality. However, based on the best information available at this time, we believe that the requirements of section 7 of the Endangered Species Act of 1973, as amended, are fulfilled. Obligations under section 7 of the Act must be reconsidered if (1) new information reveals impacts of the proposed action that may affect listed species or critical habitat in a manner not previously considered, (2) the proposed action is subsequently modified to include activities which were not considered during this consultation, or (3) new species are listed or critical habitat designated that might be affected by the proposed action.

Assuming all special conditions to minimize Environmental impacts listed in section 4.3.3 of the draft EA are strictly followed during construction and throughout the life of the project, we concur that the proposed actions would result in no significant adverse impacts to fish and wildlife species.

These constitute the comments of the U.S. Department of the Interior in accordance with provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.) and the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.). Please contact Robbie Sykes (telephone 931/528-6481, ext. 209) of my staff if you have questions regarding the information provided in this letter.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Lee A. Barclay', is positioned above the printed name.

Lee A. Barclay, Ph.D.
Field Supervisor



RECEIVED SEP 04 2008

STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION

Division of Remediation
401 Church Street
4th Floor, L&C Annex
Nashville, TN 37243

August 27, 2008

Mr. Daniel H. Ferry, Senior Manager
Environmental Services and Programs
Environmental Stewardship and Policy
TENNESSEE VALLEY AUTHORITY
400 West Summit Hill Drive
Knoxville, TN 37902-1401

Doc. Type: EA - Administrative Record
Index Field: Env. Doc. Trans. Rpt/Agency
Project Name: The Boone Comm. Docks
Project No.: 2008-16

RE: Environmental Review
TVA and USACE RPT's Partnership

Dear Mr. Ferry:

The Division of Remediation (DoR) has received your environmental review request, dated July 21, 2008, regarding the TVA and USACE RPT's Partnership.

After reviewing our project files, we concluded that the Division of Remediation does not have a file on any site that borders the Watauga River at Boone Lake Reservoir. Mile 7.2 on the Watauga River in the Boone Reservoir doesn't reveal much without more research. If you need further information, please provide a map or topo.

If you have any further questions, do not hesitate to call Darrell Hale, Environmental Field Office Manager, at our Johnson City Field Office at (423) 854-5463.

Sincerely,


Andy Binford

RAB:DSH:mdd

cc: Johnson City Field Office Files
Central Office Files #10-000

Page intentionally blank